

EXHIBIT 5

Stephen M. Pincus

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EMPLOYMENT

Stember Feinstein Doyle & Payne, LLC , Pittsburgh, PA	2004-present
Partner: Employment Law, ERISA and Class Actions	
University of Pittsburgh School of Law , Pittsburgh, PA	2008-present
Adjunct Professor: Unemployment Compensation Practicum	
Campbell, Durrant & Beatty, P.C. , Pittsburgh, PA	2002-2004
Associate: Employment Law, Civil Rights	
Brenner, Saltzman & Wallman, LLP , New Haven, CT	2001-2002
Of Counsel: Employment Law, Commercial Litigation	
SBC Communications, Inc. , New Haven, CT	2000-2001
Attorney: Employment Law	
Rosen & Dolan, P.C. , New Haven, CT	1996-2000
Associate: Employment Law, Civil Rights, and Personal Injury	
Hon. Janet Bond Arterton , (U.S.D.C. – Conn.)	1995-1996
Judicial Law Clerk	
Yale Legal Services	1993-1995
Supervising Attorney: AIDS Law, Landlord/Tenant, Social Security Appeals	

EDUCATION

Yale Law School, Robert M. Cover Fellow in Public Interest Law, 1993-1995

University of Maryland School of Law, J.D. with Honors (Top 15%), May 1993

University of Michigan, A.B., Honors in English Literature, April 1989
Underclass Honors Program; Dean's List, 1986

Hebrew University of Jerusalem, Junior Year Program, 1987-1988

SELECTED PUBLICATIONS

“The Legal Implications of Reducing Public Sector Retiree Health Benefits,” Municipal Lawyer (September/October 2009) (co-author with W. Payne).

“Restoring Retirement Nest Eggs,” Trial (April 2009) (co-author with E. Doyle).

“Battling for Benefits,” Trial (December 2005) (co-author with W. Payne and J. Stember).

“Weingarten Rights Revisited,” Pennsylvania Municipalities (May/June 2003).

“Stan the Mensch,” 8 Clinical Law Review 313 (Spring 2002) (memorial tribute to former professor).

“Fighting Back: Filing Suit under the Violence Against Women Act,” Trial (Dec. 1997) (co-author with D. Rosen).

“A Way to Go Home: Supportive Housing and Housing Assistance Preferences for the Homeless” 23 Stetson Law Review 345 (Spring 1994) (co-author with S. Herr).

“The Rights of Children Who are Homeless,” Maryland State Dep’t of Education (1992).

“Incident Suggest U-M Shortcomings,” Detroit News (1987) (co-author with P. Struck).

SELECTED SPEAKING ENGAGEMENTS

“Managing Client Expectations,” Pennsylvania Bar Institute -- Employment Law West (November 2008).

“Dealing with the Press and Public,” Pennsylvania Employment Labor Relations --Advisory Service Annual Conference, State College, Pennsylvania (2004).

“Recommendations for Developed Nations,” Conference: Should Difference Make a Difference? The Rights of People with Mental Retardation, Yale Law School (1995).

“Inclusion Issues as Viewed by the Law,” Special Olympics International Leadership Conference, Yale University (1995).

“AIDS and the Law,” Albertus Magnus College, New Haven, Connecticut (1994, 1995).

BAR ADMISSIONS

States: Pennsylvania (2002), Connecticut (1994), Maryland (1993 – currently inactive)

U.S. District Courts – D. Connecticut, E.D. Michigan, N.D. Ohio, S.D. Ohio, E.D. Pennsylvania, W.D. Pennsylvania, W.D. Tennessee, E.D. Wisconsin

U.S. Appellate Courts – Second Circuit, Third Circuit, Eighth Circuit

SIGNIFICANT LITIGATION

ERISA

Crown Cork & Seal v. United Steelworkers of America, 2004 U.S. Dist. LEXIS 760 (W.D. Pa. 2004) (retiree health benefits).

Hayden v. Freightcar America, Inc., 2008 WL 375762 (W.D. Pa. Feb. 11, 2008) (granting preliminary injunction under Sec. 510 of ERISA), later proceedings, 2008 WL 4949039 (W.D. Pa. Nov. 19, 2008) (granting approval to final settlement).

International Chemical Workers Union Council v. PPG, Inc., 2006 WL 895087 (W.D. Pa. March 31, 2006) (retiree health benefits).

Moore v. Rohm & Haas, Co., 497 F.Supp.2d 855 (N.D. Ohio 2007) (denying motion to transfer venue in retiree health benefits suit), later proceedings, 2008 WL 4449407 (N.D. Ohio Sept. 30, 2008) (granting plaintiffs' motion for summary judgment).

Public Pension Fund Group v. KV Pharmaceutical Co., 2009 WL 1106976 (E.D. Mo. April 23, 2009) (breach of fiduciary duty lawsuit).

Pringle v. Continental Tire North America, Inc., 2007 WL 2236880 (N.D. Ohio July 31, 2007) (granting motion for summary judgment in retiree health class action).

Rexam, Inc. v. United Steelworkers of America, 2003 WL 22477858 (D. Minn. Oct. 30, 2003), later proceedings, 2005 WL 1260914 (D. Minn. May 25, 2005), 2005 WL 2318957 (D. Minn. Sept. 22, 2005), 2006 WL 435985 (D. Minn. Feb. 21, 2006), 2006 WL 2530384 (D. Minn. August 31, 2006), 2006 WL 3247139 (D. Minn. November 9, 2006) and 2008 WL 593702 (D. Minn. Feb. 6, 2008).

Sims v. First Horizon Nat'l Corp., 2009 WL 1789090 (W.D. Tenn. June 23, 2009) (denying motion for summary judgment).

United Auto Workers v. Chrysler LLC, 2008 WL 1701409 (E.D. Mich. April 10, 2008), later proceedings, 2008 WL 2980046 (E.D. Mich. July 31, 2008) and 2008 WL 4491401 (E.D. Mich. Oct. 2, 2008) (retiree health benefits case worth billions of dollars).

United Auto Workers v. Ford Motor Co., 2006 U.S. Dist. LEXIS 70471 (E.D. Mich. July 13, 2006), aff'd, 497 F.3d 615 (6th Cir. 2007), later proceedings, 2007 WL 4571648 (E.D. Mich. Dec. 27, 2007) (retiree health case worth billions of dollars).

United Auto Workers v. Ford Motor Co. ("Ford II"), 2007 WL 4571648 (E.D. Mich. December 27, 2007), later proceedings, 2008 WL 4104329 (E.D. Mich. Aug. 29, 2008) and 2008 WL 4449622 (E.D. Mich. Oct. 2, 2008) (retiree health benefits).

United Auto Workers v. General Motors, 2006 WL 334283 (E.D. Mich. Feb. 13, 2006), later proceedings, 2006 WL 891151 (E.D. Mich. March 31, 2006) and 235 F.R.D. 383 (E.D. Mich. 2006), aff'd, 497 F.3d 615 (6th Cir. 2007) (retiree health case worth billions of dollars).

United Auto Workers v. General Motors (“GM II”), 2008 WL 2968408 (E.D. Mich. July 31, 2008).

United Steelworkers of America v. PPG, Inc. 2006 WL 895090 (W.D. Pa. March 31, 2006) (retiree health benefits).

Government Retiree Benefits

Professional Firefighters of Massachusetts v. Patrick, 09-2785 (D.Mass.) (pending).

State Employees Association of New Hampshire v. New Hampshire, 09-E-0286 (Merrimack Superior Court) (pending).

American Federation of Teachers – New Hampshire v. New Hampshire, 09-E-0290 ((Merrimack Superior Court) (pending).

Employment and Civil Rights

Carpenter v. Johnson, U.S.D.C. -- Connecticut, 1997-98 (obtained \$1 million jury verdict in civil rights action for wrongful death of woman with profound mental retardation).

Gaetano v. Bayer, Inc., 2007 WL 3334985 (W.D. Pa. Nov. 8, 2007) (defeating employer’s motion for summary judgment in gender discrimination case).

Green v. Town of Hamden, 73 F.Supp.2d 192 (D.Conn.1999) (obtained preliminary injunction preventing hiring of firefighters due to disparate impact of civil service examination).

Hutton v. Town of Hamden – U.S. District Court – Connecticut, 1999-2000 (\$150,000 settlement for wrongful arrest of former welfare recipient on unfounded fraud charges).

Nicolette v. Caruso, 316 F.Supp. 2d 710 (W.D. Pa. 2003) (dismissed plaintiff’s civil rights claims).

Stacey v. City of Hermitage, 178 Fed.Appx. 94 (3d Cir. 2006) (on district court case only).

Stramiello-Yednak v. Perl, 2006 WL 1158123 (W.D. Pa. April 28, 2006) (defeating motion for summary judgment).

Other Litigation

Epperson v. Entertainment Express, Inc., 2004 U.S. Dist. LEXIS 19632 (D.Conn. Sept. 24, 2004) (granted summary judgment motion on fraudulent transfer of assets claim).

Frawley v. Tye, 2000 WL 1916538 (D.Conn. Aug. 3, 2000) (defeated summary judgment motion in trucking accident case; Judge commended “counsel for their comprehensive and well-written briefs on this unresolved issue.”).

Profitec, Inc. v. FKI, 2002 Conn.Super. LEXIS 2700 (Superior Ct. -- New Haven, Aug. 8, 2002)

(denied motion for summary judgment in breach of commercial lease case).

Skinner v. Golub, 2002 WL 32298747 (D.Conn. Sept. 4, 2002) (RICO action).

Appellate Practice

Foy v. Pratt & Whitney Group, 127 F.3d 229 (2d Cir. 1997) (establishing standards for federal preemption in ERISA class-action suit).

Grimes v. New Haven Housing Authority, 242 Conn. 236 (1997) (reversing trial court and establishing new standard for tolling of statute of limitations in class-action cases).

Northwood Construction Company v. Township of Upper Moreland, 856 A.2d 789 (Pa. 2004) (drafted brief for amicus curiae Pennsylvania State Association of Township Commissioners).

Potence v. Hazelton Area School Dist., 357 F.3d 366 (3d Cir. 2004) (age discrimination).

Sakon v. Andreo, 109 F.3d 109 (2d Cir. 1997) (reversing trial court's award of sanctions against plaintiff's former attorney).

U.S. v. Hoyos, 1999 U.S. App. LEXIS 2233 (2d Cir. 1999) (habeas corpus petition).

U.S. v. Ortiz, 1 Fed.Appx. 18 (2d Cir. 2001) (criminal sentencing).